

105TH CONGRESS  
2D SESSION

# H.R. 4412

To impose restrictions on the sale of cigars.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1998

Mr. MARKEY introduced the following bill; which was referred to the  
Committee on Commerce

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## A BILL

To impose restrictions on the sale of cigars.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Cigars Are No Safe  
5       Alternative Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) Available scientific evidence demonstrates  
9       that regular cigar smoking causes cancer, including  
10      cancers of the lip, tongue, mouth, throat, esophagus,  
11      larynx, and lung.

1           (2) That same evidence demonstrates that  
2 heavy cigar smokers and those who inhale deeply are  
3 at an increased risk of coronary heart disease and  
4 can develop chronic lung diseases.

5           (3) Cigar use in the United States has risen  
6 dramatically over the last 5 years. Small cigar con-  
7 sumption has increased by an estimated 13 percent,  
8 large cigar consumption has increased by an esti-  
9 mated 70 percent, and premium cigar consumption  
10 has increased by an estimated 250 percent.

11          (4) Demographic evidence strongly suggests  
12 that most new cigar users are teenagers and young  
13 males. Data from the Centers for Disease Control  
14 and Prevention 1997 Youth Risk Behavior Survey  
15 indicates that among high school students over 30  
16 percent of the males and 10 percent of the females  
17 are current cigar smokers.

18          (5) Smoking cigars is not a safe alternative to  
19 smoking cigarettes. Compared to a cigarette, a large  
20 cigar emits up to 20 times more ammonia, 5 to 10  
21 times more cadmium (cancer causing metal) and  
22 methylethyl nitrosamine (cancer causing agent), and  
23 up to 80 to 90 times more highly carcinogen-to-  
24 bacco-specific-nitrosamines. Tar yields are 2 to 3  
25 times greater for a cigar than for a filter cigarette

1 and nicotine yields are 9 to 12 times greater for a  
2 cigar than for a filter cigarette.

3 **SEC. 3. PROHIBITION ON DISTRIBUTION TO YOUTH.**

4 (a) DISTRIBUTION.—

5 (1) GENERAL RULE.—No person may sell or  
6 distribute a cigar to any individual who is under the  
7 age of 18.

8 (2) LOCATION OF PRODUCTS.—Except as pro-  
9 vided in section 122(d), a retailer of cigars shall en-  
10 sure that all cigars are located in areas where cus-  
11 tomers do not have direct access to the products.

12 (3) FACE-TO-FACE TRANSACTIONS.—A cigar re-  
13 tailer may sell cigars to the ultimate consumer only  
14 in a direct, face-to-face exchange.

15 (b) MARKETING AND ADVERTISING.—

16 (1) GENERAL RULE.—The Secretary of Health  
17 and Human Services shall impose such restrictions  
18 on the sale, advertising, distribution, and marketing  
19 of cigars directed at youth as may be appropriate to  
20 limit the sale of cigars to individuals who are 18 or  
21 older.

22 (2) ELECTRONIC MEDIA.—Cigars may not be  
23 advertised on electronic media, including television,  
24 radio, and any other form of electronic communica-  
25 tion.

1       (c) SPONSORSHIP.—The Secretary of Health and  
2 Human Services shall encourage manufacturers of cigars  
3 to end the practice of paying for, or participating in, the  
4 placement of cigars in movies and on television where a  
5 substantial segment of the viewing audience is under the  
6 age of 18.

7       (d) DEFINITION.—The term “cigar” means any roll  
8 of tobacco wrapped in leaf tobacco or in any substance  
9 containing tobacco, including small cigars that weigh less  
10 than 3 pounds per thousand and large cigars that weigh  
11 more than 3 pounds per thousand.

12 **SEC. 4. HEALTH WARNINGS.**

13       The Secretary of Health and Human Services, acting  
14 through the Food and Drug Administration, shall require  
15 such health warnings on the labels of cigars and on cigar  
16 boxes or other packaging as may be appropriate to warn  
17 cigar users about the health risks presented by cigars.

18 **SEC. 5. STUDIES AND REPORTS.**

19       (a) SECRETARY’S STUDY.—

20               (1) IN GENERAL.—The Secretary of Health and  
21 Human Services shall conduct a study—

22                       (A) to determine the health effects of occa-  
23 sional cigar smoking, nicotine dependence dem-  
24 onstrated by cigar smokers, biological uptake of

1 toxic and carcinogenic constituents of cigars,  
2 and environmental cigar smoke exposure; and

3 (B) to determine the yields of tar, nicotine,  
4 carbon monoxide, and any other additive des-  
5 ignated by the Secretary in cigar smoke.

6 Manufacturers of cigars shall report to the Secretary  
7 on the yields of tar, nicotine, carbon monoxide, and  
8 any other additive designated by the Secretary from  
9 cigars when smoked.

10 (2) REPORT.—Not later than one year after the  
11 date of the enactment of this Act, the Secretary of  
12 Health and Human Services shall transmit a report  
13 to the President and to Congress containing—

14 (A) findings from the cigar health and con-  
15 stituent yield study required under paragraph  
16 (1); and

17 (B) such recommendations for legislation  
18 or administrative actions as the Secretary  
19 deems appropriate.

20 (b) FTC REPORT.—Not later than one year after the  
21 date of the enactment of this Act and biennially thereafter,  
22 the Federal Trade Commission shall transmit a report to  
23 the President and to Congress containing—

1           (1) a description of the current sales, advertis-  
2           ing, and marketing practices associated with cigars;  
3           and

4           (2) such recommendations for legislation or ad-  
5           ministrative actions as it deems appropriate.

6 **SEC. 6. MONITORING TRENDS IN YOUTH ACCESS TO**  
7 **CIGARS.**

8           The Secretary of Health and Human Services, in con-  
9           sultation with the Federal Trade Commission and the Sec-  
10          retary of the Treasury, shall monitor trends in youth ac-  
11          cess to, and use of, cigars. If evidence suggests that cigars  
12          are inappropriately accessible to children and adolescents,  
13          or that smoking cigars is becoming an attractive alter-  
14          native to smoking cigarettes for children and adolescents  
15          as a result of differential tax and regulatory treatment,  
16          sales and marketing practices of cigar manufacturers,  
17          changes in consumer tastes, or any other reason, the Sec-  
18          retary shall immediately notify Congress and make such  
19          recommendations for adjusting tax rates or other legisla-  
20          tive or administrative action necessary to ensure that ci-  
21          gars cease to be an attractive alternative to cigarettes for  
22          children and adolescents.

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